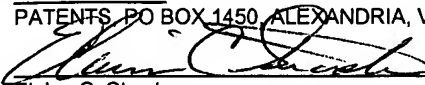


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Elaine C. Stracker



PATENT  
Attorney's Docket No.: 00043.05CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.  
Serial No.: 10/766,279  
Filed: 1/27/2004  
Title: DELIVERY OF NONSTEROIDAL ANTIINFLAMMATORY DRUGS  
THROUGH AN INHALATION ROUTE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**. Please direct all correspondence to the following customer number.

Respectfully submitted,

Date: SEP. 24 2004

  
Elaine C. Stracker J.D., Ph.D., Reg. 43,166

Alexza Molecular Delivery Corporation  
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Palo Alto, CA 94303  
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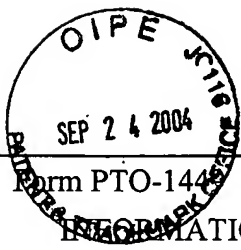
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/766,279	
	Filing Date	1/27/2004	
	First Named Inventor	Joshua D. Rabinowitz	
	Art Unit	Not yet known	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission		Attorney Docket Number	00043.05CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905 Customer Number 37485
Signature	
Date	SEP. 24 2004

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Form PTO-144

Docket Number: 00043. 05CON

Application Number: 10/766,279

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebrethsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	12/09/1997	5,694,919	Rubsamen et al.			
	8.	03/10/1998	5,724,957	Rubsamen et al.			
	9.	04/07/1998	5,735,263	Rubsamen et al.			
	10.	04/14/1998	5,738,865	Baichwal et al.			
	11.	06/02/1998	5,758,637	Ivri et al.			
	12.	06/29/1999	5,915,378	Lloyd et al.			
	13.	08/10/1999	5,934,272	Lloyd et al.			
	14.	09/28/1999	5,957,124	Lloyd et al.			
	15.	10/05/1999	5,960,792	Lloyd et al.			
	16.	11/30/1999	5,993,805	Sutton et al.			
	17.	03/28/2000	6,041,777	Faithfull et al.			
	18.	04/18/2000	6,051,566	Bianco			
	19.	08/01/2000	6,095,134	Sievers et al.			
	20.	08/01/2000	6,095,153	Kessler et al.			
	21.	08/15/2000	6,102,036	Slutsky et al.			
	22.	06/05/2001	6,241,969	Saidi et al.			
	23.	07/03/2001	6,255,334	Sands			
	24.	10/09/2001	6,299,900	Reed et al.			
	25.	10/23/2001	6,306,431	Zhang et al.			
	26.	01/14/2003	6,506,762	Horvath et al.			

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Docket Number: 00043. 05CON

Application Number: 10/766,279

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

	27.	02/04/2003	6,514,482	Bartus et al.			
	28.	07/15/2003	6,591,839	Meyer et al.			
	29.	09/06/2001	US 2001/0020147	Staniforth et al.			
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	33.	07/04/2002	US 2002/0086852	Cantor			
	34.	08/22/2002	US 2002/0112723	Schuster et al.			
	35.	11/28/2002	US 2002/0176841	Barker et al.			
	36.	01/02/2003	US 2003/0004142	Prior et al.			
	37.	02/13/2003	US 2003/0032638	Kim et al.			

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	38.	08/04/2003	10/633,876 ✓	Hale et al.			
	39.	08/04/2003	10/633,877 ✓	Hale et al.			
	40.	12/30/2003	10/749,537 ✓	Rabinowitz et al.			
	41.	12/30/2003	10/749,539 ✓	Rabinowitz et al.			
	42.	01/27/2004	10/766,149 ✓	Rabinowitz et al.			
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	51.	01/29/2004	10/768,293 ✓	Rabinowitz et al.			
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	53.	01/30/2004	10/769,051 ✓	Rabinowitz et al.			
	54.	01/29/2004	10/769,157 ✓	Rabinowitz et al.			
	55.	01/29/2004	10/769,197 ✓	Rabinowitz et al.			

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Docket Number: 00043.05CON

Application Number: 10/766,279

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

	56.	02/09/2004	10/775,583 ✓	Rabinowitz et al.			
	57.	02/09/2004	10/775,586 ,	Rabinowitz et al.			
	58.	03/03/2004	10/791,915 ✓	Hale et al.			
	59.	03/03/2004	10/792,001 ~	Rabinowitz et al.			
	60.	03/03/2004	10/792,012 ✓	Hale et al.			
	61.	03/03/2004	10/792,013 ;	Rabinowitz et al.			
	62.	03/03/2004	10/792,096 ✓	Hale et al.			
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	64.	03/31/2004	10/813,721 /	Rabinowitz et al.			
	65.	03/31/2004	10/813,722 ✓	Rabinowitz et al.			
	66.	03/31/2004	10/814,690 ✓	Rabinowitz et al.			
	67.	03/31/2004	10/814,998 ,	Rabinowitz et al.			
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	82.	01/16/2003	US 2003/0012738	Rabinowitz et al.			
	83.	1/16/2003	US 2003/0012740	Rabinowitz et al.			
	84.	01/23/2003	US 2003/0015189	Rabinowitz et al.			
	85.	01/23/2003	US 2003/0015190	Rabinowitz et al.			

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Docket Number: 00043.05CON

Application Number: 10/766,279

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

86.	01/23/2003	US 2003/0017114	Rabinowitz et al.			
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95.	01/30/2003	US 2003/0021755	Hale et al.			
96.	02/20/2003	US 2003/0035776	Hodges et al.			
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98.	05/27/2004	US 2004/010148	Hale et al.			
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100.	11/06/2003	US 2003/0206869	Rabinowitz et al.			
101.	01/15/2004	US 2004/0009128	Rabinowitz et al.			
102.	05/20/2004	US 2004/0096402	Hodges et al.			
103.	05/27/2004	US 2004/0099269	Hale et al.			
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106.	07/01/2004	US 2004/0126326	Rabinowitz et al.			
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109.	07/01/2004	US 2004/0126329	Rabinowitz et al.			
110.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
111.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
112.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
113.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
114.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
115.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

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Docket Number: 00043. 05CON

Application Number: 10/766,279

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation	
							YES	NO
	116.	03/14/1990	EP 0 358 114 /	Europe				
	117.	07/20/1994	EP 0 606 486 /	Europe				
	118.	07/03/2001	EP 1 080 720 /	Europe				
	119.	06/13/1991	WO 91/07947 /	WIPO				
	120.	04/16/1992	WO 92/05781 /	WIPO				
	121.	04/11/1996	WO 96/09846 /	WIPO				
	122.	05/09/1996	WO 96/13161 /	WIPO				
	123.	05/09/1996	WO 96/13290 /	WIPO				
	124.	05/09/1996	WO 96/13291 /	WIPO				
	125.	05/09/1996	WO 96/13292 /	WIPO				
	126.	10/03/1996	WO 96/30068 /	WIPO				
	127.	08/07/1997	WO 97/27804 /	WIPO				
	128.	05/28/1998	WO 98/22170 /	WIPO				
	129.	07/23/1998	WO 98/31346 /	WIPO				
	130.	08/27/1998	WO 98/36651 /	WIPO				
	131.	04/08/1999	WO 99/16419 /	WIPO				
	132.	12/16/1999	WO 99/64094 /	WIPO				
	133.	01/06/2000	WO 00/00176 /	WIPO				
	134.	01/06/2000	WO 00/00215 /	WIPO				
	135.	05/18/2000	WO 00/27363 /	WIPO				
	136.	05/25/2000	WO 00/29053 /	WIPO				
	137.	9/17/2000	WO 00/47203 /	WIPO				
	138.	11/02/2000	WO 00/64940 /	WIPO				
	139.	11/09/2000	WO 00/66084 /	WIPO				
	140.	11/09/2000	WO 00/66206 /	WIPO				

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	Applicant: Joshua D. RABINOWITZ et al.			
	Filing Date: 1/27/2004		Group Art Unit: Not Yet Known	

	141.	12/21/2000	WO 00/76673 /	WIPO			
	142.	01/25/2001	WO 01/05459 /	WIPO			
	143.	03/01/2001	WO 01/13957 /	WIPO			
	144.	03/28/2002	WO 02/24158 /	WIPO			

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number: 00043.05CON	Application Number: 10/766,279
	Applicant: Joshua D. RABINOWITZ et al.	
	Filing Date: 1/27/2004	Group Art Unit: Not Yet Known

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	145. /	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	146. /	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	147. /	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	148. /	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society.</i> 966-974.
	149. /	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology.</i> 32(5):591-600.
	150. /	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology.</i> 93(3): 619-628.
	151. /	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
	152. /	Gonda, I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.
	153. /	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry &amp; Behavior.</i> 36(1):1-7.
	154. /	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 $\mu$ m," <i>J. Aerosol Sci.</i> 17(5):811-822.
	155. /	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking," <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
	156. /	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
	157. /	Lichtman, A.H. et al. (1996). "Inhalation Exposure to Volatilized Opioids Produces Antinociception in Mice," <i>Journal of Pharmacology and Experimental Therapeutics.</i> 279(1):69-76.
	158. /	Martin, B.R. and Lue, L.P. (May/June 1989). "Pyrolysis and Volatilization of Cocaine," <i>Journal of Analytical Toxicology</i> 13:158-162.

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DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>		Docket Number: 00043. 05CON      Application Number: 10/766,279 <hr/> Applicant: Joshua D. RABINOWITZ et al. <hr/> Filing Date: 1/27/2004      Group Art Unit: Not Yet Known <hr/>	
	159.	/	Mattox, A.J. and Carroll, M.E., (1996). "Smoked heroin self-administration in rhesus monkeys," <i>Psychopharmacology</i> , 125:195-201.
	160.	/	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
	161.	/	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
	162.	/	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE"
	163.	/	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
	164.	/	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
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